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9 REALNETWORKS, INC. and  
10 REALNETWORKS HOME  
ENTERTAINMENT, INC.

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA  
13

14 REALNETWORKS, INC., a Washington )  
Corporation; and REALNETWORKS HOME )  
15 ENTERTAINMENT, INC., a Delaware )  
corporation, )  
16 )  
17 Plaintiffs, )  
18 v. )  
19 DVD COPY CONTROL ASSOCIATION, INC., )  
a Delaware nonprofit corporation, DISNEY )  
20 ENTERPRISES, INC., a )  
Delaware corporation; PARAMOUNT )  
21 PICTURES CORP., a Delaware corporation; )  
22 SONY PICTURES ENTERTAINMENT, INC., a )  
Delaware corporation; TWENTIETH CENTURY )  
23 FOX FILM CORP., a Delaware corporation; )  
NBC UNIVERSAL, INC., a Delaware )  
24 corporation; WARNER BROS. )  
25 ENTERTAINMENT, INC., a Delaware )  
corporation; and VIACOM, Inc., a Delaware )  
26 Corporation. )  
27 Defendants. )  
28

CASE NO.: C-08-4548-HRL  
  
**PLAINTIFFS AND  
COUNTERCLAIM DEFENDANTS  
REALNETWORKS, INC. AND  
REALNETWORKS HOME  
ENTERTAINMENT, INC.'S  
OPPOSITION TO DEFENDANTS'  
APPLICATION FOR TEMPORARY  
RESTRAINING ORDER AND  
ORDER TO SHOW CAUSE RE;  
PRELIMINARY INJUNCTION**

1 Plaintiffs and Counterclaim Defendants RealNetworks, Inc. and RealNetworks Home  
2 Entertainment, Inc. ("Real") oppose the Application for Temporary Restraining Order filed this  
3 afternoon by the Defendants. However, because Real did not receive notice of Defendants'  
4 intention to file its Ex Parte Application for Temporary Restraining Order until just shortly  
5 before 2:00 pm today, October 3, 2008, Real has not had any opportunity to review Defendants'  
6 papers, much less to prepare a written opposition to them. Further, contrary to Defendants'  
7 assertion in their ex parte papers, Real has never had an opportunity to fully brief the issues  
8 before any court (including the District Court for the Central District of California). Real had  
9 mere hours to prepare and submit on Tuesday, September 28, 2008 a partial response to an ex  
10 parte application for TRO filed by Defendants in the Central District Court, but that response  
11 was limited and the facts have changed since then.

12 As counsel for Real indicated to counsel for Defendants, lead counsel for Real is  
13 currently out-of-town and unavailable. Further, because Defendants declined the assignment of  
14 this case to Magistrate Judge Lloyd earlier today, the judge to be assigned to this matter is  
15 currently unknown to Real, and Real is therefore unable even to send a lawyer to court to orally  
16 oppose Defendants' application.

17 Accordingly, Real respectfully requests (1) that the Court grant Real an opportunity to  
18 file a written opposition to Defendants' ex parte application, and (2) that the Court set a  
19 reasonable deadline for such written opposition.  
20

21 Dated: October 3, 2008

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

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23 By: /s/Colleen Bal  
Colleen Bal

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25 Attorneys for Plaintiffs REALNETWORKS,  
26 INC. and REALNETWORKS HOME  
ENTERTAINMENT, INC.  
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